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H – 1089

International Court of Justice

Com. B.
Winkler
22 June 1946
First take - P. 1.
1000 - 1130 hrs.
Hoeppner

H1089-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

COMMISSIONER: Mr. George R. Taylor

THE S D

(The Commission convened at 1000 hours)

MR. TAYLOR: Will the witness be reminded that he is still under oath?

THE WITNESS: Yes, sir.

MR. TAYLOR: Proceed with the examination of the witness.

(Rolf-Heinz Hoeppner, witness, took the stand and testified as follows:)

DIRECT EXAMINATION RESUMED

BY DR. GAWLIK---------

Q. We stopped yesterday when we began to discuss the question of whether Amts 3, 6, and 7 were one organization altogether or whether they were three separate organizations. Will you kindly speak slowly and distinctly. Was the structure of the three offices different?

A. The structure of the three offices was different. I may give you a detailed motivation in the case of Amt 3, the outpost, that means the lowest service office was decisive - that office which dealt directly with the population. The tendency in office 3 was to decentralize the work. Office 6, however, was in contras to office 3 - centralized to the highest degree. The decisive office was the office of #6 itself where all the material was gathered and was examined and worked over in the office itself. And in the case of office #7, the decisive factor was that it did not have any basis as such, but just existed as an office of itself.

Q. Was there a recognizable character of the offices #3, #6, and#7 with a collective general purpose?

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A. I assume that the expression collective general purpose means common tasks. One cannot speak of a collective general purpose, as I mentioned already yesterday, the tasks of the different offices and the purposes therefore were different.

Q. Did the employees of offices #3, #6, and #7 have a feeling of belonging together - that means did they all have the feeling that they were all one?

MR. MONNERAY: I think question has been put to the witness yesterday already.

MR. DAWLIK: It was asked in conjunction with the SD.

LT. COMDR. HARRIS: Furthermore, I join the objection. The witness could not possible know what the feelings of the organizations were and in any way I think it is entirely irrelevant.

MR. TAYLOR: The Commission thinks that the objection is proper and should be sustained, but if the witness knows the general connection of one with another, he then may testify from his personal knowledge.

A. I, of course, am in a position to answer the question as far as office #3 is concerned. As far as the employees of #3 were concerned, I may state that such a feeling of belonging together did not exist. We did not even know the employees of offices #6 and #7. Each individual had his own task and fulfilled it as such.

Q. Could you tell us from the point of view of employees of office #3 whether they felt they belonged with the employees of #6 and #7 - to one staff, to one organization or whether they simply felt they were with office #3 only?

A. I think I can illustrate best by giving an example of the Security Police.

MR. TAYLOR: I think that the witness should testify as to what he personally knows about the various branches of the organization, rather than testify as to what he thinks the employees of each one thinks as to their organizations. I take it that this witness is presumed to be familiar with the organization and the

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various branches of Amt #3, #6 and #7, and therefore to be competent to testify as to the organization and membership, but I hope that you will not try to get him to give hearsay or personal opinion unless he absolutely knows the facts. Is that clear to you?

GAWLIK: The point made, Commissioner, is very clear to me. I asked those questions only because on the basis of German rules, it is necessary for a division of an organization that all members have the feeling belonging together, but if you have a feeling that the questions are irrelevant, I shall pass on.

MR. TAYLOR: No, if you feel that they are material to your defense, I want you to ask them.

A. I can illustrate the best by referring to the structure and situation within the Security Police. The Secret Police was composed of the State Police, and Criminal Police, and there was no feeling of a joint organization among the members of the two branches. Those who belonged to the State Police did not feel they were a part of the Criminal Police, and those who belonged to the Criminal Police did not feel they were a part of the State Police. Then the situation was just the same in the SD. Those people who belonged to our office, #3 felt intelligence of the SD and Office # 6 felt as the SD for foreign countries and members of office #7 were members of an office with librarians and archive office. For the greater part they were obliged to serve and had nothing to do with us. A feeling of a common organization is according in my opinion out of the question.

Q. Did the chief of the Sipo and SD coordinate functions and activities of offices 3, 6, and 7?

A. The Chief of the SD and Police received the fulfillment of tasks separately from each of the three offices and made separate use of them.

MR. MONNERAY: I do not see how the witness would know what the Chief

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of the Sipo and SD did with reports coming out of the different offices. The witness was only chief of group #3 A, and was not in the personal staff of the Sipo and SD.

MR. GAWKIK: It may be the witness can answer that question.

A. While I was attached to the RSH, I repeatedly substituted for the chief of office #3, Ohlendorf, and during the time I gained information to answer this question. [illegible]. Furthermore this is an opinion which Ohlendorf repeatedly told us in the daily staff conference.

Q. I now come to the point to prove that office #3 did not belong to the SS, but was indeed an independent office. Was the SS a uniform organization?

MR. TAYLOR: Aren't we examining an SD witness now. How far are we going to get into this SS matter?

MR. GAWLIK: It is only one question, because the indictment charged the SD had been a part of the SS.

MR. MONNERAY: I think the indictment was charging the SD as the same as the Gestapo, but not with the SS. The case of the SD has been presented at the same time as the Gestapo, so the SD was linked up with the Gestapo, so I don't think it's relevant now to discuss whether the SD was the policy of the SS as far as our purpose here is concerned.

MR. TAYLOR: The only question the Commission had in mind was that if they were going into any lengthy discussion or proof of the SS, then we should have counsel for the SS present, but if he only has one question, we can proceed with that one question.

MR. GAWLIK: The counsel of the SS is informed about the question I'm asking.

MR. TAYLOR: Go ahead - you only have one question.

MR. GAWLIK: No, I have a number of questions on that point and

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I just wanted to show that the Trial Brief against the SS - the SD is called a part of the SS. On ~~that basis~~ the basis of that statement, the SD is charged with all the crimes the SS has been charged.

MR. TAYLOR: Then the SS has been advised.

MR. GAWLIK: I told him this morning I would touch upon the questions, and we will try to get him now.

MR. TAYLOR: If that is the correct status, counsel will proceed.

Q. Was the SS a uniform organization?

LT. COMDR. HARRIS: I'm going to object to that question on the basis that that is only the conclusion of the witness. The witness is being asked to decide something which is only the property of the Tribunal. If he wants to ask him what he knows about the SS, we have no objection, but to ask him whether or no the SS was a general organization is entirely improper.

MR. TAYLOR: Wasn't the question - was it a uniform organization?

MR. GAWLIK: Yes.

MR. TAYLOR: Does the witness know from his own personal knowledge whether or not it was?

THE WITNESS: I'm thoroughly acquainted with the fact that the so-called Waffen-SS, General SS and SD do not form one common general organization.

~~Q. I'm interested in that problem as far as that there is a connection between the SD and SS~~? MR. GAWLIK: I'm interested in that problem as far as that there is a connection between the SD and SS.

MR. TAYLOR: Very well, then keep your questions confined to that point.

MR. GAWLIK: I wish to discuss the matters as far as there might be a connection between the SS and SD.

Q. Did the SS in general have one common joined aim and purpose?

A. As I tried to explain before, the purpose and functions were very

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different. The functions of the Waffen-SS was to carry arms and fight. The tasks of the General SS was to form large meetings and to be the protective guard of the Fuehrer, and during wartime there was practically no task and function of the General SS, because almost all of them were drafted into the service. And the task of the SD was domestic intelligence service and gathering and using of news material.

MR. TAYLOR: May I interrupt the counsel just a moment. The Commission is understanding that the witness is to testify concerning the SD. The Commission has heretofore heard witnesses on the SS and organization, and apparently the questions so far asked - the last few especially - would be cumulative and a repetition of what the Commissioners have already heard concerning the SS, and the Commission takes it that this witness is not qualified nor is he competent to testify as to the various parts of the organization of the SS, and should confine himself to the SD and the points that he himself personally knows and is qualified to testify.

MR. GAWLIK: I fully agree with the Commission and there are only three questions of an introductory nature which were to be asked.

MR. TAYLOR: With that in mind, will counsel proceed.

Q. Did there exist between office #3 and the SS any connection with "collective general purpose."?

A. No.

Q. Could you give elaborately the reason for your answer?

A. One should keep in mind that the overwhelming majority of the people working for the domestic intelligence service were honorary volunteer workers. The overwhelming majority of those honorary workers did not belong to the SS nor have the intention of joining the SS. Therefore, it was not their intention to become active in the framework of the SS, but rather to collect news which would come

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among the people and to get them through domestic intelligence through theleadership, therefore, it may be said that many different ~~interested~~ interests governed the two organizations, but even with the professional workers the full time workers of the SD who in their majority did belong to the SS, one could not speak of a collective general purpose. The intelligence service had to be particularly elastic and to agents. It's whole system to that need would be elastic. One last characteristic must be added which I consider particularly important. We, and I'm referring to an inter-circle of the chief of office #3, we were always convinced that the intelligence service should be attached exclusively to the office of the head of the State, because we had the opportunity and experience that only then the intelligence which was destined for the leadership should actually reach the leadership without having stopped news and intelligence from reaches of the leaders due to the study of power within different offices.

Q. The statements which you have made cover which period of time?

A. I didn't understand the question. Do you refer to my last answer or my others?

Q. All your statements you made in relationship to the SS and SD.

A. That covers a period of existence of the indictment of the accused organizations - that means that time since it is created.

MR. MONNERAY: The witness has been asked to tell us about the connection between the SS and Sd, and he made a long speech, but he did not refer to the SD and SS. He told us what was his personal conception of how the intelligence service had to work and how the information had been brought forward to the head of the State, but he did not talk at all about the SS. So perhaps it would be advisable to answer in a very precise manner the question put to him by the defense counsel.

MR. TAYLOR: Yes, will counsel for the defense have the witness~~xxxxxxx~~ answer his questions direct and briefly and not go into any extra detail of

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explanation or giving his personal opinion.

Q. I therefore repeat my question. Did there exist any general purpose between the SD and any part of the SS?

A. No.

Q. Beginning what year does your answer have validity?

A. Since the creation of Office #3, which would be the beginning of the WAR.

Q. I'm submitting to you two ordnances issued by the Reich Minister for Feeding and Agriculture which were published in the Ordnance Journal of the Chief of the Sipo and SD, issue A #29, of June 19, 1943, and December 30, 1942. That will become document SD-1. It further contains the ordnances of June 24, 1943, April 24, 1943, and October 9, 1943.

MR. MONNERAY: May the prosecution have a copy of those new documents?

MR. GAWLIK: We have only one copy.

Q. I quote from those ordnances. "The SD of the RFSS is in regard to personnel and organization, and institution of the Party." Is it to be concluded from that quotation that the SD was not a part of the SS?

A. All the ordnances submitted to me referred to the cooperation between the SD and State authorities - for instance, the Minister of Feeding and Agriculture, the Reich authority in charge of communication and traffic, the postmaster general, the Reichsnahrstand, the farmers' organization, and the Reich minister in charge of armament and war production - and it may well be concluded from that quoted sentence in regard to personnel and function, the SD is an institution of the Party; that the SD was not a part of the SS.

MR. MONNERAY: I'mso sorry to interpose so frequently. I think the text does not give any possibility for the witness to say that it is only a question of the party that the SD was not a part of the SS.

MR. TAYLOR: What does counsel have to say to that objection?

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MR. GAWLIK: The witness was supposed to give more detailed reasons for his answer on the basis of those instructions of those ordnances.

THE WITNESS: It may be perhaps advisable to ask general question in regard to the leading nature of the SD.

MR. GAWLIK: That I did ask you already.

A. From those ordnances, two things can be concluded. One, the SD is a part of the Party. Two, the SD is used in the service of State authorities. The fact that the SD was not a part of the general SS, I stressed already previously. Most of the members of the SD did not belong to the SS, and did not desire to belong to the SS. The SD was a legal structure of a very unique nature. The leading character of the SD was in the constant forces of development. The legal character was never defined in any basic law or legal document and was only agreed upon in different conversations and modifications.

Q. On the basis of Document P.S. 1680 entitled Ten Years of Security Police and SD, the prosecution has charged that the SD was a part of the SS. Will you express your opinion of the relationship of the SD to SS on the basis of that article?

A. I can find only one sentence in the whole article referring to the relationship of the SD to the SS, and that sentence says that the Reichsfuehrer of the SS, already in 1932, created an intelligence organization in the form of the SD, and that whole sentence makes a statement already in regard to the relationship ~~xxxxx~~ of the Reichsfuehrer of the SS to the SD.

on page #11

Q. The German text of the Trial Brief against the SS speaks of ~~xxxxx~~ officers and agents of the SD men, is that correct?

A. As far as the SD domestic field is concerned, there are no officials or civil servants and no agents either.

Q. Was the SD a sub-dividion of the SS as the Trial Brief says on page 11?

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A. Not as an intelligence service, but there existed, as already stated, s special formation SD of the SS, but that is an entirely distinct and different organization.

Q. The Trial Brief continue, "In addition to the _____employees, the SD, as well as the general SS had SD members who were private members and who did honorary political SS xxxxx service." Is that correct?

A. Most honorary members of the SD did not do and did not desire to do any SS services. If a special formation of the SS, called SD, they are honorary members who belonged to the SD, and they worked for the intelligence service of the SD.

Q. On page 9 of the Trial Brief, it is claimed that the SD was a special department of the SS. The same opinion is expressed on page 1766 in the German text of the proceedings. Is that correct?

A. I think there is universally a confusion of special formation of the SS, called SD, and the intelligence service of the SD. The SD as an intelligence service is not to be considered a special department of the SS.

Q. On Page 11 of the German Trial Brief, on page 1692 of the German proceedings, it is claimed furthermore that there is no distinction between SS and its departments, in regard to administration and high command. Is that correct, particularly in regard to joint administration and joint command?

A. The joint command existed only in the person of Himmler. I don't know of any high command of the SS, and in regard to administration, the funds were provided directly by the treasurer of the Nazi Party.

Q. Were the members of the SD subordinate to the SS and political powers?

A. Only to the very smallest extent. That means only those who were full-time professional employees of the SD. There existed an xxxxx ordnance which regulated that relationship clearly.

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Q. Did that at least form a connection between the SS and SD?

A. I believe the answer to this question can be concluded from the ~~xxx~~ previous answer, because no members of the SD were subordinate to the SS and the political power. That means all honorary members.

Q. The Trial Brief on page 11, continues by claiming that each department of the SS, and that includes the SD that each of those departments ~~fulfil~~ filled its particular function in carrying out the program of the SS. I, therefore, ask, did the domestic intelligence service, SD office #3 have to fulfill, after 1939, any functions of the SS?

A. The fulfillment of the tasks of the SD was in no way fulfillment of any SS tasks, but merely the fulfillment of general state police functions.

Q. At the same place it continues that every branch, every department, every sector and every member, which would include the SD - that they all had to be essential parts of the SS. Express yourself on that.

A. I mentioned already that the SD filled general State political functions which did not touch at all the functions of the SS.

Q. ~~Dixxthexsex~~ Would the SD have been in a position to fulfill its ~~xxks~~ tasks without the SS?

A. Yes.

Q. And would the SS have been in a position to fulfill its tasks without the SD?

A. Yes, both the Waffen-SS and the General SS.

Q. Was Kaltenbrunner domineering the SD and SS?

A. I don't quite understand the word domineering in the question.

Q. Did he have the power to give orders or did he establish contacts?

A. No, Kaltenbrunner did not establish contacts.

Q. How was the connection between SD and the higher SS and police leaders?

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A. The higher SS and police leaders was the general representative of the Reichfuehrer SS in his territory. He had no right to give orders, either of a professional nature or of a disciplinary nature to the SD.

Q. Therefore, would you say that there was a connection existing between the SS and SD through the higher SS and police leaders?

A. No, not at all.

Q. What was the connection between the office #3 of the RSHA and the offices #3 with the commando and commanders with the so-called Einsatz groups and the command groups?

A. This question touches upon an entirely different field. The offices #3 in the staff of the commando and commanders were directly subordinate to those commandos and commanders.

Q. You misunderstand my question. All I meant was to ask you whether they constituted a connection between the SS and SD?

A. No, there is no connection whatsoever - had nothing to do with it at all.

Q. I now come to my fourth point to prove that the SD domestic intelligence service, office #3 was not a part of the Nazi Party, but was an independent organization. I ask - was the SD in respect to organization, and I stress the words in respect to organization - was it an institution of the Party?

A. The SD was, as it was said in those ordnances which I have been shown, and the SD was an institution of the Party, but had not been incorportated in the structure, neither the vertical nor the horizontal structure of the Party organization.

MR. TAYLOR: Counsel, we will take a ten minute recess, do you suppose you could finish with this witness by 1 o'clock?

MR. GAWLIK: No, sir.

Recess: 1125 hours

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Q. What period of time do your answers in regard to the relationship of the SD to the Nazi Party cover?

A. For the entire period of existence of the SD--from 1939 on.

Q. Was the SD an institution of the Party?

A. I stated already that the SD was an institution of the Party, but was not included in the horizontal or vertical framework of the Party. It was not actually included in the organisation of the Party.

Q. Was the SD a part of the Political Leiters of the Party?

A. No. The man in charge of the local office or the district office of the SD did not belong to the staff of the gauleiter, nor did the RSHA belong to the supreme Party leadership.

Q. Was the SD a sub-division of the Party? The indictment charged that the SD was an organ of expansion of the Party. Is that correct?

A. No.

Q. Can you give us reasons why not?

A. The SD was not a tool of the Party, but was an organ of confidence of the people which ascertained factual conditions and moods and sentiments of the population, and transmitted those results to the leadership.

Q. On February 28, 1946, the Prosecution charged that the so-called "Nazi princes", which included about 50 households, had an underground spy system to spy on the population. What did the SD have to do with that?

A. I assume that what is meant by that expression, "Nazi princes", is the leiters of the blocks ~~blockleiters~~, which included about 50 households. There was no relation between those and the SD, which were the outposts covering the territory of one or several kreises. It would be incorrect to say that the SD maintained liaison men in each block. Actually, they were entirely independent, one set-up from the other.

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Q. Was it the function of the SD to support the work of the Nazi Party?

A. Yes, that was true insofar as the SD provided the leadership of the Party or the leadership of the State with intelligence concerning the population with the purpose of correcting undesirable developments or undesirable effects.

Q. The Prosecution concludes that the SD supported the Nazi Party through a form of ordinance by Bormann of February 14, 1945, Document PS 3237, submitted at the session of January 16, 1946 (German proceedings, Page 2660). I am submitting the document to you, and would like to have your opinion on it. I submit to the witness the complete text of the document, while the Prosecution has submitted only an excerpt from it. This is an ordinance by the Deputy of the Fuehrer Hess--and not Bormann--and deals mostly with the cleaning up of conflicts in the Party and in the SD; and the basis of the ordinance was that the SD had continually accepted reports of intelligence of undesirable affairs within the Party framework itself. Express yourself exclusively on the point: How much could be concluded from this ordinance that the SD was an instrument to support the Party?

A. The ordinance proves what I just said--that the Party, too, benefited from the work of the SD. The SD served the Party equally as it served the State and other independent bodies. Besides that, the purpose of the ordinance was to diminish the lack of confidence which the Party felt toward the SD--and that lack of confidence existed all the time.

Q. Was it the function of the SD to gather information on the enemies of the Party and to make them harmless?

A. No. The function of Office Three--the domestic SD--was to ascertain the factual results of measures taken, and to ascertain the mood and reaction of the population resulting from such existing conditions and measures. And, since the issuing of the Funktionsbefehl, which in the final form clarified the distinction between the SD and Gestapo, the SD had nothing to do any longer with

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the observation of enemies of the Party.

Q. When was that order issued?

A. In the latter part of 1938.

Q. The Prosecution charged, furthermore, on February 28th of this year, that the SD carried out, without hesitation and without question, all orders of the Nazi leadership. What do you say about that?

A. The SD did not receive any orders from the supreme leadership of the Nazi Party.

Q. Was it at all the function of the SD to carry out the orders of the Party leadership?

A. Requests, yes; but not orders. It was possible, for instance, that the Party Chancellery asked the SD to establish the results of a speech or of a certain measure taken, or one asked for the fulfillment of a task in a certain field of life.

Q. Did the Party have the authority to give professional or disciplinary orders to the domestic SD?

A. No.

Q. Could the Party give directives that certain reports should be phrased in a certain way?

A. No.

Q. Could the Party, or the Party Chancellery, demand, for instance, that reports to State authorities should first be submitted to the Party authorities for forwarding purposes?

A. No. Such a demand could not be made. That fact is one of the best proofs for our claim that the SD did not actually belong to the framework of the Party, because any other Party organization was requested to submit reports to State

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authorities only through the Party Chancellery. At all times the SD submitted reports directly to State authorities.

Q. As far as there did exist a cooperation between the SD and the Party, was that done for the purpose of keeping Hitler, and other persons engaged in a common conspiracy, in power?

A. A prerequisite for that question would be that the SD had knowledge of such a conspiracy. And that was not the case. Reports were not submitted for the purpose of keeping anybody in power, but rather to help the population to get rid of undesirable conditions. In addition to that, it should be said that from all reports which we received to the very end, the great part of the German people had confidence in Adolf Hitler.

Q. What was the purpose of the cooperation between the SD and the Party? Did you answer that already, or would you like to add something?

A. I can only repeat that it was necessary for the Party leadership to learn of undesirable facts which the population desired to have changed. Another question, of course, is a very different question--whether such undesirable states of affairs were actually got rid of.

Q. Was the purpose of the cooperation between the SD and the Party to keep in power individuals who planned crimes against the peace, crimes against the laws of war, and crimes against humanity?

A. No. The purpose of our work was to give an opportunity for free expression of opinion, which did not exist in the press or anywhere else.

Q. Didn't the members of the SD know a long time in advance that Hitler planned a war?

A. No, they didn't know at all. Everybody was convinced that no war was coming.

Q. Didn't you learn that from the foreign intelligence?

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A. First, I shall say that foreign news was available only to a very small part of the domestic intelligence service of the SD. Particularly during the war, when only a very small number of individuals were permitted to listen to foreign broadcasts. As far as foreign news before the outbreak of the war claimed that Hitler's foreign police would lead to war, it was assumed that that was merely propaganda sponsored by individuals who were personally interested in such a war. People didn't believe such news.

Q. Didn't you gain knowledge of that through the observation of different spheres of life? My question does not refer to your personal opinion, but to that of members of the SD in general.

A. No; we were not able to gain that knowledge through the observation of the fields of life, just as little as we could do that by judging the moods and sentiments of the population. The only field where such observations would have been possible would have been in the field of economics. The only thing which could have been observed there was that there were not enough raw materials and supplies for war.

Q. I submit to you an ordinance of the Party Chancellery out of Volume One of the ordinances and laws of Party leadership, Page 599, December 14, 1938. Express your opinion on that ordinance.

A. This is a repetition of an ordinance by the Deputy of the Fuehrer in 1936.

Q. You need not tell us the contents of the ordinance. Just tell us to what extent that ordinance proved a connection between the Party and the SD.

COMMANDER HARRIS: If the Commission please, I think that, if the witness is going to comment on the ordinance, the pertinent facts should be read into the record. Furthermore, I don't think that the witness is qualified to give his interpretation of the meaning of the legal phraseology. That document speaks for itself.

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DR. GAWLIK: I agree with the Prosecution insofar as the witness is not expected to interpret the ordinance. All I want him to tell is whether, in practice, the ordinance was observed or was not observed--how it was carried out.

MR. TAYLOR: Objection sustained. The Counsel may rephrase his question so as not to call for an interpretation or a conclusion by the witness.

BY DR. GAWLIK:

Q. I ask you, does that ordinance reflect the actual cooperation between the SD and the Party, or was that cooperation different?

A. The ordinance doesn't speak too much about cooperation. As far as the ordinance speaks of the authority of the Party Chancellery and the gauleiter to make requests--I spoke already on this point. As a matter of fact, that authority was used very infrequently. Most of the material which is mentioned here was supplied by lower offices of the Party directly.

MR. TAYLOR: Dr. Gawlik, don't you think that the witness is adding a lot to his answers which is not called for?

DR. GAWLIK: Yes, I do.

BY DR. GAWLIK:

Q. You need not tell us the contents of the ordinance. Just tell us on the basis of your own experience as far as the cooperation of the Party and the SD is concerned.

A. I have nothing to add.

Q. I am submitting to you an ordinance of the Party Chancellery from Volume Four of the Party ordinances, Page 229, of August 1, 1943, concerning the cooperation of offices of the Party with the SD in regard to reporting and gathering of news material. Express yourself on that. Just tell us what you have to say about the cooperation between the Party and the SD insofar as the ordinance does not give a picture of the actual conditions.

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A. That ordinance did not change the cooperation as I have described it.

Q. At the end of the ordinance it says: "Further details in regard to a closer cooperation will be discussed between the Party Chancellery and the RSHA on the basis of the experiences gathered during the war." Did such conferences take place, and, if so, with what result?

A. Yes. Such conferences were carried on up to 1944. That did not lead to the conclusion of a new convention, because the task and function of Office Three, which had been created by that office and had been developed out of its work--this function was not recognised by the Chancellery of the Party. It was the opinion of Bormann that sufficient information about spheres of life would be supplied by the gauleiters. Our opinion was that the gauleiters who were personally responsible for those spheres of life could not give any objective report. The second demand which Bormann made was that the complete network of liaison men and the agents of the SD would be told to the Party Chancellery so that the Party could reject whether each of them was considered reliable from the point of view of the Party. The SD rejected that demand because it was considered necessary that those confidential agents were a cross-section of the entire German people, and that they, therefore, were selected in accordance with a very different point of view.

Q. In many ordinances it is said that the agents of the SD were the men in charge of information of the gauleiters. What does that mean?

A. That means that it was the function of the SD agent to inform the gauleiter on important developments in his district. That did not mean in any way that he became a member of the staff of the gauleiter.

Q. Were there also men in charge of information attached to the kreisleiters?

A. No.

Q. I am submitting to you an ordinance regarding the cooperation between

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the office of the Reich Ministry for Feeding and Agriculture and the offices of the SD, March 23, 1943, Page M 2037, of the Gx ordinance journal of the chief of the SIPO and SD issued in June, 1943. Does that represent the connection between the SIPO and the SD [redacted] offices?

A. The ordinance does tell [redacted] the relationship correctly. It particularly shows that the SD was not only an information tool of the Party, but equally of the State--that, in regard to its functions, it was both an instrument of the Party and the State.

Q. Did similar ordinances exist in regard to other offices of the State?

A. Yes, similar ordinances in conjunction with other ministries of the State.

Q. The Prosecution has submitted Document 1638, ordinance of November 11, 1938. Does that ordinance, which is concerned with the cooperation between the SD and domestic civil service authorities, give a correct picture? I am submitting it to you so that you can tell us whether the SD worked only for Party officials.

A. No. It expressly states that the SD has to fill important functions for the State.

Q. If and when the SD functioned for the State, did it have to accept and carry out directives by State authorities?

A. No. State authorities had no right to issue directives.

Q. I am coming now to Point Five, which means to prove that the domestic intelligence service office, Amt Three of the RSHA, was not a part of a uniform police system, and that it did not belong to the tasks of the domestic [redacted] SD to support the Gestapo in the fulfillment of its tasks. The Prosecution claims, [redacted] and that is the basis for my following questions, that there existed a close cooperation between the SD and the Gestapo, and that they were in close cooperation to carry out the conspiracy which is assumed by the Prosecution, and that this cooperation became more and more close in the course of time until finally

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one cannot speak of one uniform police system. My question covers the entire period beginning with 1939. In organizational ~~xxpx~~ respects, did there exist a relation between Gestapo and SD?

A. No.

Q. Can you elaborate on that?

A. The lower Gestapo ~~xffixexx~~ offices/and lower offices of SD were entirely separated in organizational respects. Their offices were located in separate buildings, the heads of the offices were different individuals, their budgets were different, and their outposts were separate. And the organization of offices numbered three and four were entirely separate from each other.

Q. And was that separation just a remainder of an unfulfilled union between Gestapo and SD?

A. No, it wasn't such a remainder. It was actually the result of the SD's opposition to perform such a union.

Q. Was there a legal basis for union between Gestapo and SD?

A. No.

Q. Elaborate.

A. The Gestapo was established by ordinances and laws of the Reich which had been issued for the establishment of a political police long before January 30, 1933. The legal basis ~~f~~ of the SD, which I have described already, was never fixed by authority--it was still in the process of development. In no way was the SD merely a State authority--as the Gestapo was.

Q. What influence did it have in regard to the relationship of the SD to Gestapo that, after 1933, Heydrich assumed both the direction of the SD main office and of the Gestapo in Prussia?

A. That was merely that one individual kept two offices in two different fields, ~~xxx~~ That identity of ~~xxxxxxx~~ personnel could have occurred through

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another individual just as well. As was the custom after 1933, in many cases organizations were built up, not considering the organization, but rather the individuals one wanted to use. It was organization, not "ab rem", but "ab personam."

Q. Were there any actual and factual reasons for the fact that Heydrich became both the head of the SD and the head of the Gestapo?

A. As far as I can judge it, no.

Q. What was the basis of your answer to this question?

A. My practical experience of many years in the security service, as well as various conferences ~~x~~ with other colleagues and the chief of the office there.

Q. When Heydrich was appointed head of the SIPO in July, 1936--did that mean that the offices of the SIPO and the SD were combined?

A. No. The main office of the SIPO, which was organized after Himmler had been appointed head of the German police, was an institution of the German Ministry of the Interior. That SIPO office, therefore, was a sub-division of the Reichs Ministry--or a State office--and was entirely independent of the SD, of which Heydrich also happened to be the chief.

Q. As far as the purposes and goals were concerned, was there uniformity between the Gestapo and the SD?

A. No. ~~Rmp~~ Purposes and goals were different.

Q. Will you please be a little more elaborate on that?

A. It was the function of the Gestapo, with executive assistance, to find crimes of a political nature. The function of the SD was to gather news and intelligence without executive assiatance, for the purpose of changing undesirable conditions. The purpose of the Gestapo, therefore, was to take steps and measures in individual cases only; it was the function of the SD to regulate conditions in a sphere of life.

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Q. Was there a difference in interests and methods between Gestapo and SD?

A. The essential difference in methods was that the Gestapo had executive powers which the SD lacked. The SD did not have the power to arrest people, to confiscate, to interrogate, to perform anything which was considered an executive duty. The Gestapo was interested in individual cases. The SD was interested only in the regulation of a sphere of life. The individual case served only as an ~~xxxxxxxxxx~~ example.

(The Commission adjourned at 1255 hours.)

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The foregoing is a true and correct transcript of the testimont of ROLF HEINZ HOEPPNER, taken on 22 June 1946.

Bernhard Winkler
Reporter (pp 1 - 12

Rolf Noll
Reporter (pp 13 - 23

CERTIFIED TO :

Geo. R. Taylor
Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

COMMISSIONER:
Mr. George Taylor

THE SD

(The Commission convened at 1000 hours.)

DIRECT EXAMINATION --Resumed

(Rolf-Heinz Hoeppner, a witness took the stand and testified as follows :)

MR. TAYLOR: Will the witness be reminded that he is still under oath

THE WITNESS: Yes, sir.

MR. TAYLOR: Proceed with the examination of the witness.

BY DR. GAWLIK:

Q. We stopped yesterday when we began to discuss the question of whether Amts 3, 6, and 7 were one organization altogether or whether they were three separate organizations. Will you kindly speak slowly and distinctly. Was the structure of the three offices different ?

A. The structure of the three offices was different. I may give you a detailed motivation in the case of Amt 3, the outpost that means the lowest service office was decisive - that office which dealt directly with the population. The tendency in office 3 was to decentralize the work. Office 6, however, was in contras to office 3- centralized to the highest degree. The decisive office was the office of 6 itself where all the material was gathered and was examined and worked over in the office itself. And in the case of office 7 the decisive factor was that it did not have any basis as such, but just existed as an office of itself.

Q. Was there a recognizable character of the offices 3, 6 and 7 with a collective general purpose ?

A. I assume that the expression collective general purpose means common tasks. One cannot speak of a collectivegeneral purpose, as I mentioned

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already yesterday, the tasks of the different offices and the purposes were different.

Q. Did the employees of offices 3, 6 and 7 have a feeling of belonging together --that means did they all have the feeling that they were all one ?

MR. MONNERAY: I think question has been put to the witness yesterday already .

DR. GAWLIK: It was asked in conjunction with the SD.

LT. COMDR. HARRIS: Furthermore, I join the objection. The witness could not possibly know what the feelings of the organizations were and in any way I think it is entirely irrelevant.

MR. TAYLOR: The Commission thinks that the objection is proper and s.. be sustained, but if the witness knows the general connection of one with another, he then may testify from his personal knowledge.

A. I, of course, am in a position to answer the question as far as office 3 is concerned. As far as the employees of 3 were concerned, I may state that such a feeling of belonging together did not exist. We did not even know the employees of offices 6 and 7. Each individual had his own task and fulfilled it as such.

Q. Could you tell us from the point of view of employees of office 3 whether they felt they belonged with the employees of 6 and 7 -to one staff to one organization or whether they simply felt they were with office 3 only

A. I think I can illustrate best by giving an example of the Security Police.

MR. TAYLOR: I think that the witness should testify as to what he personally knows about the various branches of the organization, rather than testify as to what he thinks the employees of each one thinks as to their organizations. I take it that this witness is presumed to be familiar with the organization and the various branches of Amt 3, 6 and 7, and therefore to be competent to testify as to the organization and membership, but I hope that you will not try to get him to give hearsay or personal opinion unless he absolutely knows the facts. Is that clear to you ?

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DR. GAWLIK: The point made, Commissioner, is very clear to me. I as ked those questions only because on the basis of German rules, it is neces: ry for a division of an organization that all members have the feeling be- longing together, but if you have a feeling that the questions are irrelev I shall pass on.

MR. TAYLOR: No, if you think that they are material to your defense, I want you to ask them.

A. I can illustrate the best by referring to the structure and situati within the Security Police. The Secret Police was composed of the State Police, and Criminal Police, and there was no feeling of a joint organizati among the members of the two branches. Those who belonged to the Criminal Police did not feel they were a part of the State Police, and those w o belonged to the State Police did not feel they were a part of the Criminal Police.

Then the situation was just the same in the SD. Those people who belonged to our office 3, felt intelligence of the SD and Office 6 felt as the SD for foreign bountries and members of office 7 were members of an office with librarians and archive office. For the reater part they were obliged to serve and had nothing to do with us. A feeling of a common organization is according in my opinion out of the question.

Q. Did the chief of the Sipo and SD coordinate functions and activities of offices 3, 6 and 7 ?

A. The Chief of the SD and Police recieved the fulfillment of tasks se- parately from each of the three offices and made separate use of them.

MR. MONNERAY: I do not see how the witness would know what the Chief of the Sipo and SD did with reports coming out of the different offi The witness was only chief of group 3A, and was not in the personal staff of the Sipo and SD.

DR. GAWLIK: It may be the witness can answer that question.

A. While I was attached to the RSH, I repeatedly substituted for the ch of office 3, Ohlendorf, and during the time I gained information to answer this question. Furthermore this is an opinion which Ohlendorf repeatedly told us in the daily staff conference.

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Q. I now come to the point to prove that office 3 did not belong to the SS, but was indeed an independent office. Was the SS a uniform organization

MR. TAYLOR: Aren't we examining an SD witness now. How far are we going to get into this SS matter ?

DR. GAWLIK: It is only one question, because the indictment charged the SD had been a part of the SS.

MR. MONNERAY: I think the indictment was charging the SD at the same as the Gestapo, but not with the SS. The case of the SD has been presented at the same time as the Gestapo, so the SD was linked up with the Gestapo, so I don't think it's relevant now to discuss whether the SD was the policy of the SS as far as our purpose here is concerned.

MR. TAYLOR: The only question the Commission had in mind was that if they were going into any lengthy discussion or proof of the SS, then we should have counsel for the SS present, but if he only has one question, we can proceed with that one question.

MR. GAWLIK: The counsel of the SS is informed about the question I'm asking.

MR. TAYLOR: Go ahead - you only have one question.

DR. GAWLIK: No, I have a number of questions on that point and I just wanted to show that the Trial Brief against the SS -the SD is called a part of the SS. On the basis of that statement, the SD is charged with all the crimes the SS has been charged.

MR. TAYLOR: Then the SS has been advised.

DR. GAWLIK: I told him this morning I would touch upon the questions, and we will try to get him now.

MR. TAYLOR: If that is the correct status, counsel will proceed.

Q. Was the SS a uniform organization ?

LT COMDR. HARRIS: I'm going to object to that question on the basis that that is only the conclusion of the witness. The witness is being asked to decide something which is only the property of the Tribunal. If he wants to ask him what he knows about the SS, we have no objection, but to ask him whether or no the SS was a general organization is entirely improper.

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MR. TAYLOR: Wasn't the question - was it a uniform organization ?

DR. GAWLIK: Yes.

MR. TAYLOR: Does the witness know from his won personal knowledge whether or not it was ?

A. I'm thoroughly acquainted with the fact that the so-called Waffen -S General-SS and SD do not form one common general organization.

DR. GAWLIK: I'm interested in that problem as far as that there is connection between the SD and SS.

MR. TAYLOR: Very well, then keep your questions confined to that po.

DR. GAWLIK: I wish to discuss the matters as far as there might be connection between the SD and SS.

Q. Did the SS in general have one common joined aim and purpose ?

A. As I tried to explain before, the purpose and functions were very di ferent. The functions of the Waffen-SS was to carry arms and fight. The tasks of the General SS was to form large meetings and to be the protectiv guard of the Fuehrer, and during wartime there was practically no task and function of the General SS because almost all of them were drafted into th service. And the task of the SD was domestic intelligence service and gat ring and using of news material.

MR. TAYLOR: May I interrupt the counsel just a moment. The Commiss. is understanding that the witness is to testify concerning the SD. The Co mission has heretofore heard witnesses on the SS and organization, and appa rently the questions so far asked -the last few especially -would be cumul tive and a repetition of what the Commissioners have already heard concern the SS, and the Commission takes it that this witness is not qualified nor he competent to testify as to the various parts of the organization of the and should confine himself to the SD and the points that he himself person knows and is qualified to testify.

DR. GAWLIK: I fully agree with the Commission and there are only three questions of an introductory nature which were to be asked.

MR. TAYLOR: With that in mind, will counsel proceed.

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Q. Did there exist between office 3 and the SS any connection with " col tive general purpose."?

A. No.

Q. Could you give elaborately the reason for your answer ?

A. One should keep in mind that the overwhelming majority of the people working for the domestic intelligence service were honorary volunteer worke The overwhelming majority of those honorary workers did not belong to the S nor have the intention of joining the SS. Therefore, it was not their int tion to become active in the framework of the SS, but rather to collect new which would come

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among the people and to get them through domestic intelligence through the leadership, therefore, it may be said that many different interests governed the two organizations, but even with the professional workers the full time workers of the SD who in their majority did belong to the SS, one could not speak of a collective general purpose. The intelligence service had to be particularly elastic and to agents. It's whole system to that need would be elastic. One last characteristic must be added which I consider particularly important. We, and I'm referring to an inter-circle of the chief of office No. 3, we were always convinced that the intelligence service should be attached exclusively to the office of the head of the State, because we had the opportunity and experience that only then the intelligence which was destined for the leadership should actually reach the leadership without having stopped news and intelligence from reaches of the leaders due to the study of power within different offices.

Q The statements which you have made cover which period of time?

A I didn't understand the question. Do you refer to my last answer or my others?

Q All your statements you made in relationship to the SS and SD.

A That covers a period of existance of the indictment of the accused organizations - that means that time since it is created.

MR. MONNERAY : The witness has been asked to tell us about the connection between the SS and SD, and he made a long speech, but he did not refer to the SD and SS. He told us what was his personal conception of how the intelligence service had to work and how the information has been brought forward to the head of the State, but he did not talk at all about the SS. So perhaps

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it would be advisable to answer in a very precise manner the question put to him by the defense counsel.

MR. TAYLOR : Yes, will counsel for the defense have the witness answer his questions direct and briefly and not go into any extra detail of explanation or giving his personal opinion.

Q I therefore repeat my question. Did there exist any general purpose between the SD and any part of the SS?

A No.

Q Beginning what year does your answer have validity?

A Since the creation of office No. 3, which would be the beginning of the war.

Q I'm submitting to you two ordinances issued by the Reich Minister for Feeding and Agriculture which were published in the Ordinance Journal of the Chief of the Sipo and SD, issue 1 No. 29, of June 19, 1943, and December 30, 1942. That will become document SD-1. It further contains the ordinances of June 24, 1942 April 24, 1943, and October 9, 1943.

MR. HOFFMAN : May the prosecution have a copy of those new documents?

MR. GILLIK : We have only one copy.

Q I quote from those ordinances. "The SD of the RFSS is in regard to personal and organisation, an institution of the Party." Is it to be concluded from that quotation that the SD was not a part of the SS?

A All the ordinances submitted to me referred to the cooperation between the SD and State authorities - for instance, The Minister of Feeding and Agriculture, the Reich authority in charge of communication and traffic, the postmaster general, the Reichsnahrstand, the farmers' organisation, and the Reich minister in charge of armament and war production - and it may well be

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concluded from that quoted sentence in regard to personnel and function, the SD is an institution of the Party; that the SD was not a part of the SS.

MR. MONNERAY : I'm so sorry to interpose so frequently. I think the text does not give any possibility for the witness to say that it is only a question of the party that the SD was not a part of the SS.

MR. TAYLOR : What does counsel have to say to that objection?

MR. GAWLIK : The witness was supposed to give more detailed reasons for his answer on the basis of those instructions of those ordnances.

THE WITNESS : It may be perhaps advisable to ask general questions in regard to the leading nature of the SD.

MR. GAWLIK : That I did ask you already.

A From those ordnances, two things can be concluded. One, the SD is a part of the Party. Two, the SD is used in the service of State authorities. The fact that the SD was not a part of the general SS, I stressed already previously. Most of the members of the SD did not belong to the SS, and did not desire to belong to the SS. The SD was a legal structure of a very unique nature. The leading character of the SD was in the constant forces of development. The legal character was never defined in any basic law or legal document and was only agreed upon in different conversations and modifications.

Q On the basis of Document P.S. 1680 entitled Ten Years of Security Police and SD, the prosecution had charged that the SD was a part of the SS. Will you express your opinion of the relationship of the SD to SS on the basis of that article?

A I can find only one sentence in the whole article referring to the relationship of the SD to the SS, and that sentence says that the Reichsfuehrer of the SS, already in 1932, created

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an intelligence organization in the form of the SD, and that whole sentence makes a statement already in regard to the relationship of the Reichsfuehrer of the SS to the SD.

Q The German text of the Trial Brief on page No. 11 against the SS speaks of officers and agents of the SD men, is that correct?

A As far as the SD domestic field is concerned, there are no officials or civil servants and no agents either.

Q Was the SD a sub-division of the SS as the Trial Brief says on page 11?

A Not as an intelligence service, but there existed, as already stated, a special formation of SD of the SS, but that is an entirely distinct and different organization.

Q The Trial Brief continues, "In addition to the _____ employees, the SD, as well as the general SS and SD members who were private members and who did honorary political SS service." Is that correct?

A Most honorary members of the SD did not do and did not desire to do any SS service. If a special formation of the SS, called SD, they are honorary members who belonged to the SD, and they worked for the intelligence service of the SD.

Q On page 9 of Trial Brief, it is claimed that the SD was a special department of the SS. The same opinion is expressed on page 1736 in the German text of the proceedings. Is that correct?

A I think there is universally a confusion of special formation of the SS, called SD, and the intelligence service of the SD. The SD as an intelligence service is not to be considered a special department of the SS.

Q On Page 11 of the German Trial Brief, on page 1692 of the German proceedings, it is claimed furthermore that there is no distinction between SS and its departments, in regard to administration and high command. Is that correct, particularly in regard to joint administration and joint command?

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A The joint command existed only in the person of Himmler. I don't know of any high command of the SS, and in regard to administration, the funds were provided directly by the treasurer of the Nazi Party.

Q Were the members of the SD subordinate to the SS and political powers?

A Only to the very smallest extent. That means only those who were fulltime professional employees of the SD. There existed an ordnance which regulated that relationship clearly.

Q Did that at least for, a connection between the SS and SD?

A I believe the answer to this question can be concluded from the previous answer, because no members of the SD were subordinate to the SS and the political power. That means all honorary members.

Q The Trial Brief on page 11, continues by claiming that each department of the SS, and that includes the SD that each of those departments filled its particular function in carrying out the program of the SS. I, therefore, ask, did the domestic intelligence service, SD office No. 3 have to fulfill, after 1939, any functions of the SS?

A The fulfillment of the tasks of the SD was in no way fulfillment of any SS tasks, but merely the fulfillment of general state police functions.

Q At the same place it continues that every branch, every department, every sector and every member, which would include the SD - that they all had to be essential parts of the SS. Express yourself on that.

A I mentioned already that the SD filled general State political functions which did not touch at all the functions of the SS.

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Q Would the SD have been in a position to fulfill its tasks without the SS?

A Yes?

Q And would the SS have been in a position to fulfil its tasks without the SD?

A Yes, both the Waffen SS and the General SS.

Q Was Kaltenbrunner domineering the SD and SS?

A I don't quite understand the word domineering in th question.

Q Did he have the power to give orders or did he establish contacts?

A No, Kaltenbrunner did not establish contacts.

Q How was the connection between SD and the higher SS and police leaders?

Q The higher SS and police leader was the general representative of the Reichsfuehrer SS in his territory. He had no right to give orders, either of a professional nature or of a disciplinary nature to the SD.

Q Therefore, would you say that there was a connection existing between the SS and SD through the higher SS and police leaders?

A No, not at all.

Q What was the connection between the office No. 3 of the RSHA and the offices No. 3 with the commando and commanders with the so-called Einsatz groups and the command groups?

A This question touches upon an entirely different field. The office No. 3 in the staff of the commando and commander were directly subordinate to those commandos and commanders.

Q You misunderstand my question. All I meant was to as you whether they constituted a connection between the SS and SD?

A No, there is no connection whatsoever - had nothing to do with it at all.

Q I now come to my fourth point to prove that the SD

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domestic intelligence service, office No. 3 was not a part of the Nazi Party, but was an independent organization. I ask - was the SD in respect to organization, and I stress the words in respect or organization - was it an institution of the Party?

A The SD, as it was said in those ordinances which I have been shown and the SD was an institution of the Party, but had not been incorporated in the structure, neither the vertical nor the horizontal structure of the party organization.

MR. TAYLOR : Counsel, we will take a ten minute recess, do you suppose you could finish with this witness by 1 o'clock?

MR. GAYLIK : No, sir.

Recess : 1125 hours.

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Q What period of time do your answers in regard to the relationship of the SD to the Nazi Party cover ?

A For the entire period of existence of the SD--from 1939 on.

Q Was the SD an institution of the Party ?

A I stated already that the SD was an institution of the Party, but was not included in the horizontal or vertical framework of the Party. It was not actually included in the organization of the Party.

Q Was the SD a part of the Political Leiters of the Party ?

A No. The man in charge of the local office or the district office of the SD did not belong to the staff of the gauleiter, nor did the RSHA belong to the supreme Party leadership.

Q Was the SD a sub-division of the Party ? The indictment charged that the SD was an organ of expansion of the party. Is that correct ?

A No.

Q Can you give us reasons why not ?

A The SD was not a tool of the Party, but was an organ of confidence of the people which ascertained factual conditions and moods and sentiments of the population, and transmitted those results to the leadership.

Q On February 28, 1946, the Prosecution charged that the so-called "Nazi princes", which included about 50 households, had an underground spy system to spy on the population. What did the SD have to do with that ?

A I assume that what is meant by that expression, "Nazi princes", is the leiters of the blocks, which included about 50 households. There was no relation between those and the SD, which were the outposts covering the territory of one or several kreises. It would be incorrect to say that the SD maintained liaison men in each block. Actually, they were entirely independent, one set-up from the other.

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Q Was it the function of the SD to support the work of the Nazi Party ?

A Yes, that was true insofar as the SD provided the leadership of the Party or the leadership of the State with intelligence concerning the population with the purpose of correcting undesirable developments or undesirable effects.

Q The Prosecution concludes that the SD supported the Nazi Party through a form of ordinance by Bormann of February 14, 1945, Document PS 3237, submitted at the session of January 16, 1946 (German proceedings, Page 2660). I am submitting the document to you, and would like to have your opinion on it. I submit to the witness the complete text of the document, while the Prosecution has submitted only an excerpt from it. This is an ordinance by the Deputy of the Fuehrer Hess--and not Bormann--and deals mostly with the cleaning up of conflicts in the Party and in the SD; and the basis of the ordinance was that the S had continually accepted reports of intelligence of undesirable affairs within the Party framework itself. Express yourself exclusively on the point: How much could be concluded from this ordinance that the SD was an instrument to support the Party ?

A The ordinance proves what I just said--that the Party, too, benefited from the work of the SD. The SD served equally as it served the State and other independent bodies. Besides that, the purpose of the ordinance was to diminish the lack of confidence which the Party felt toward the SD--and that lack of confidence existed all the time.

Q Was it the function of the SD to gather information on the enemies of the Party and to make them harmless?

A No. The function of Office Three--the domestic SD--was to ascertain the factual results of measures taken, and

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to ascertain the mood and reaction of the population resulting from such existing conditions and measures. And since the issuing of the Funktionsbefehl, which in the final form clarified the distinction between the SD and Gestapo, the SD had nothing to do any longer with the observation of enemies of the Party.

Q When was that order issued ?

A In the latter part of 1938.

Q The Prosecution charged, furthermore, on February 28th of this year, that the SD carried out, without hesitation and without question, all orders of the Nazi leadership. What do you say about that ?

A The SD did not receive any orders from the supreme leadership of the Nazi Party.

Q Was it at all the function of the SD to carry out the orders of the Party leadership ?

A Requests, yes; but not orders. It was possible, for instance, that the Party Chancellery asked the SD to establish the results of a speech or of a certain measure taken, or one asked for the fulfillment of a task in a certain field of life.

Q Did the Party have the authority to give professional or disciplinary orders to the domestic SD ?

A No.

Q Could the Party give directives that certain reports should be phrased in a certain way ?

A No.

Q Could the Party, or the Party Chancellery, demand, for instance, that reports to State authorities should first be submitted to the Party authorities for forwarding purposes ?

A No. Such a demand could not be made. That fact is one of the best proffs for our claim that the SD did not actually belong to the framework of the Party, because any other Party organization was requested to submit reports

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to State authorities only through the Party Chancellery. At all times the SD submitted reports directly to State authorities.

Q As far as there did exist a cooperation between the SD and the Party, was that done for the purpose of keeping Hitler, and other persons engaged in a common conspiracy, in power ?

A A prerequisite for that question would be that the SD had knowledge of such a conspiracy. And that was not the case. Reports were not submitted for the purpose of keeping anybody in power, but rather to help the population to get rid of undesirable conditions. In addition to that, it should be said that from all reports which we received to the very end, the great part of the German people had confidence in Adolf Hitler.

Q What was the purpose of the cooperation between the SD and the Party ? Did you answer that already, or would you like to add something ?

A I can only repeat that it was necessary for the Party leadership to learn of undesirable facts which the population desired to have changed. Another question, of course, is a very different question--whether such undesirable states of affairs were actually got rid of.

Q Was the purpose of the cooperation between the SD and the Party to keep in power individuals who planned crimes against the peace, crimes against the laws of war, and crimes against humanity?

A No. The purpose of our work was to give an opportunity for free expression of opinion, which did not exist in the press or anywhere else.

Q Didn't the members of the SD know a long time in advance that Hitler planned a war?

A No, they didn't know at all. Everybody was convinced that no war was coming.

Q Didn't you learn that from the foreign intelligence?

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A First, I shall say that foreign news was available only to a very small part of the domestic intelligence service of the SD. Particularly during the war, when only a very small number of individuals were permitted to listen to foreign broadcasts. As far as foreign news before the outbreak of the war claimed that Hitler's foreign policy would lead to war, it was assumed that that was merely propaganda sponsored by individuals who were personally interested in such a war. People didn't believe such news.

Q Didn't you gain knowledge of that through the observation of different spheres of life? My question does not refer to your personal opinion, but to that of members of the SD in general.

A No; we were not able to gain that knowledge through the observation of the fields of life, just as little as we could do that by judging the moods and sentiments of the population. The only field where such observations would have been possible would have been in the field of economics. The only thing which could have been observed there was that there weren't enough raw materials and supplies for war.

Q I submit to you an ordinance of the Party Chancellery out of Volume One of the ordinances and laws of Party leadership, Page 599, December 14, 1938. Express your opinion on that ordinance.

A This is a repetition of an ordinance by the Deputy of the Fuehrer in 1936.

Q You need not tell us the contents of the ordinance. Just tell us to what extent that ordinance proved a connection between the Party and the SD.

COMMANDER HARRIS: If the Commission please, I think that, if the witness is going to comment on the ordinance, the pertinent facts should be read into the record. Further-

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more, I don't think that the witness is qualified to give his interpretation of the meaning of the legal phraseology. That document speaks for itself.

DR. GAWLIK: I agree with the Prosecution insofar as the witness is not expected to interpret the ordinance. All I want him to tell is whether, in practice, the ordinance was observed or was not observed--how it was carried out.

MR. TAYLOR: Objection sustained. The Counsel may rephrase his question so as not to call for an interpretation or a conclusion by the witness.

BY DR. GAWLIK:

Q I ask you, does that ordinance reflect the actual cooperation between the SD and the Party, or was that cooperation different?

A The ordinance doesn't speak too much about cooperation. As far as the ordinance speaks of the authority of the Party Chancellery and the gauleiter to make requests--I spoke already on this point. As a matter of fact, that authority was used very infrequently. Most of the material which is mentioned here was supplied by lower offices of the Party directly.

MR. TAYLOR: Dr. Gawlik, don't you think that the witness is adding a lot to his answers which is not called for?

DR. GAWLIK: Yes, I do.

BY DR. GAWLIK:

Q You need not tell us the contents of the ordinance. Just tell us on the basis of your own experience as far as the cooperation of the Party and the SD is concerned.

A I have nothing to add.

Q I am submitting to you an ordinance of the Party Chancellery from Volume Four of the Party Ordinances, Page 229, of August 1, 1943, concerning the cooperation of offices of the Party with the SD in regard to reporting and gathering of news material. Express yourself on that. Just tell us what you have to say about the cooperation between the Party and the SD insofar as the ordinance does not give a picture of actual conditions.

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A That ordinance did not change the cooperation as I have described it.

Q At the end of the ordinance it says: "Further details in regard to a closer cooperation will be discussed between the Party Chancellory and the RSHA on the basis of the experiences gathered during the war." Did such conferences take place, and, if so, with what result?

A Yes. Such conferences were carried on up to 1944. That did not lead to the conclusion of a new convention, because the task and function of Office Three, which had been created by that office and had been developed out of its work--this function was not recognized by the Chancellery of the Party. It was the opinion of Bormann that sufficient information about spheres of life would be supplied by the gauleiters. Our opinion was that the gauleiters who were personally responsible for those spheres of life could not give any objective report. The second demand which Bormann made was that the complete network of liaison men and the agents of the SD would be told to the Party Chancellery so that the Party could reject whether each of them was considered reliable from the point of view of the Party. The SD refected that demand because it was considered necessary that these confidential agents were a cross-section of the entire German people, and that they, therefore, were selected in accordance with a very different point of view.

Q In many ordinances it is said that the agents of the SD were the men in charge of information of the gauleiters. What does that mean?

A That means that it was the function of the SD agent to inform the gauleiter on important developments in his district. That did not mean in any way that he became a member of the staff of the gauleiter.

Q Were there also men in charge of information attached to the kreisleiters?

A No.

Q I am submitting to you an ordinance regarding the

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cooperation between the office of the Reich Ministry for Feeding and Agriculture and the offices of the SD, March 23, 1943, Page II 2037 of the ordinance journal of the chief of the SIPO and SD issued in June, 1943. Does that represent the connection between the SIPO and the SD offices?

A The ordinance does tell the relationship correctly. It particularly shows that the SD was not only an information tool of the Party, but equally of the State --that, in regard to its functions, it was both an instrument of the Party and the State.

Q Did similar ordinances exist in regard to other offices of the State?

A Yes, similar ordinances in conjunction with other ministries of the State.

Q The Prosecution has submitted Document 1638, ordinance of November 11, 1938. Does that ordinance, which is concerned with the cooperation between the SD and domestic civil service authorities, give a correct picture? I am submitting it to you so that you can tell us whether the SD worked only for Party officials.

A No. It expressly states that the SD has to fill important functions for the State.

Q If and when the SD functioned for the State, did it have to accept and carry out directives by State authorities?

A No. State authorities had no right to issue directives.

Q I am coming now to Point Five, which means to prove that the domestic intelligence service office, Amt Three of the RSHA, was not a part of a uniform police system, and that it did not belong to the tasks of the domestic SD to support the Gestapo in the fulfillment of its tasks. The Prosecution claims, and that is the basis for my following questions, that there existed a close cooperation between the SD and the Gestapo, and that they were in close cooperation to carry out the conspiracy which is assumed by the Prosecution, and that this cooperation became more and more close in the course of time until finally

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one cannot speak of one uniform police system. My question covers the entire period beginning with 1939. In organizational respects, did there exist a relation between Gestapo and SD?

A No.

Q Can you elaborate on that?

A The lower Gestapo offices and lower offices of SD were entirely separated in organizational respects. Their offices were located in separate buildings, the heads of the offices were different individuals, their budgets were different, and their outposts were separate. And the organization of offices numbered three and four were entirely separate from each other.

Q And was that separation just a remainder of an unfulfilled union between Gestapo and SD?

A No, it wasn't such a remainder. It was actually the result of the SD's opposition to perform such a union.

Q Was there a legal basis for union between Gestapo and SD?

A No.

Q Elaborate.

A The Gestapo was established by ordinances and laws of the Reich which had been issued for the establishment of a political police long before January 30 1933. The legal basis of the S[illegible], which I have described already, was never fixed by authority -- itwas still in the process of development. In no way was the S[illegible] merely a State authority -- as the Gestapo was.

Q What influence did it have in regard to the relationship of the S[illegible] to Gestapo that, after 1933, Heydrich assumed both the direction of the SD main office and of the Gestapo in Prussia?

That was merely that one individual kept two offices in two different fields, That identity of personnel could have occurred through another individual just as well. As was the custom after 1933, in many cases organizations were built up, not considering the organization, but rather the individuals

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one wanted to use. It was organization, not "ab rem", but "ab personam."

Q Were there any actual and factual reasons for the fact that Heydrich became both the head of the SD and the head of the Gestapo?

A As far as I can judge it, no.

Q What was the basis of your answer to this question?

A My practical experience of many years in the security service, as well as various conferences with other colleagues and the chief of the office there.

Q When Heydrich was appointed head of the SIPO in July, 1936 -- did that mean that the offices of the SIPO and the SD were combined?

A No. The main office of the SIPO, which was organized after Himmler had been appointed head of the German police, was an institution of the German Ministry of the Interior. That SIPO office, therefore, was a sub-division of the Reichs Ministry - or a State office - and was entirely independent of the SD, of which Heydrich also happened to be the chief.

Q As far as the purposes and goals were concerned, was there uniformity between the Gestapo and the SD?

A No. Purposes and goals were different.

Q Will you please be a little more elaborate on that?

A It was the function of the Gestapo, with executive assistance, to find crimes of a political nature. The function of the SD was to gather news and intelligence without executive assistance, for the purpose of changing undesirable conditions. The purpose of the Gestapo, therefore, was to take steps and measures in individual cases only; it was the function of the SD to regulate conditions in a sphere of life.

Q Was there a difference in interests and methods between Gestapo and SD?

A The essential difference in methods was that the Gestapo had executive powers which the SD lacked. The SD did not have the power to arrest people, to confiscate, to interrogate,

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to perform anything which was considered an executive duty. The Gestapo was interested in individual cases. The SD was interested only in the regulation of a sphere of life. The individual case served only as an example.

(The Commission adjourned at 1255 hours.)

The foregoing is a true and correct transcript of the testiment of RCLF HEINZ HOEPPNER, taken on 22 June 1946.

Bernice Winkler
Reporter

Dorothie Noll
Reporter

CERTIFIED TO:

Geo. R. Taylor
Commissioner